

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AURELIO VALENCIA,

Plaintiff,

-against-

ORDER

13 CV 6128 (ARR) (CLP)

P.O. CHRISTOP ALAZRAKI, Shield #: 11753,
P.O. JOHN-PATRICK HARRIGAN, Shield #: 822,
P.O. JOHN DOE (S) and CITY OF NEW YORK,

Defendants.

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POLLAK, United States Magistrate Judge:

The above-captioned case is scheduled for trial beginning on January 8, 2018. This Court has issued multiple subpoenas Ordering Wally Bencosme, a third party witness, to appear at previously-scheduled depositions.¹ Mr. Bencosme failed to appear at these depositions. However, the parties still seek to depose Mr. Bencosme and/or to use his testimony at trial. Due to the timeline of trial in this case, the parties have noticed the deposition of Mr. Bencosme for **2:00 p.m. on Friday, January 5, 2018, at 100 Church Street, 4th Floor.**

Mr. Bencosme is currently in contempt of court for failing to appear at this Court's September 23, 2016 Show Cause hearing. **The Court has issued a warrant authorizing the United States Marshal to arrest Mr. Bencosme and bring him before the Court.** The Court has stayed the warrant's execution to allow Mr. Bencosme to appear voluntarily at Friday's deposition.

If Mr. Bencosme fails to appear at his deposition, the Court will **immediately direct the**

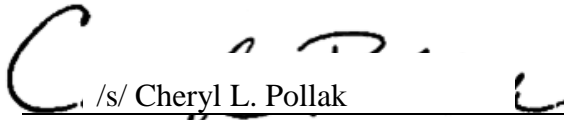
¹See, e.g., March 14, 2016 Order; June 2, 2016 Order; September 8, 2016 Order.

United States Marshals to arrest Mr. Bencosme and bring him before this Court to explain his failure to appear.

The Clerk is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
January 03, 2018


_____/s/ Cheryl L. Pollak

Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York